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In re Application of :
SOLOW, Howard J., et al. :
Application No.: 10/553,930 :
PCT No.: PCT/US03/12812 :
Int. Filing Date: 23 April 2003 :
Priority Date: None : DECISION
Docket No.: PEAK 03 :
For: FOLDABLE TRANSPORTABLE :
MULTIPLE FUNCTION PILATES :
EXERCISE APPARATUS AND :
METHOD :

This decision is in response to applicant's Petition Under 37 CFR 1.182, filed in the above-captioned application on 25 March 2008.

BACKGROUND

On 25 April 2007, the Office mailed Decision, indicating that the declaration of the inventors was defective and that a new oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 20 June 2007, applicants submitted a declaration of the inventors, but directed the submission to application no. 10/533,930.

On 25 March 2008, applicants filed this petition under 37 CFR 1.182 to relocate the 20 June 2007 submission.

DISCUSSION

The declaration and submission for this application was located in 10/533,930 and has been relocated to this application. Applicants have paid the fee for a Petition Under 37 CFR 1.182 to relocate the papers.

However, the declaration submitted by applicants is not in compliance with 37 CFR 1.497(a)-(b). The originally submitted declaration had been altered after execution by the inventors and further had been pieced together from separately executed declarations. The replacement declaration lists only one inventor, while the international application lists five inventors. A new oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

An oath or declaration in compliance with 37 CFR 1.497(a)-(b) must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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